

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

Yes, I believe the broadcast flag will interfere with consumers' ability to make copies of DTV content for personal use. Today I can record several shows onto a videotape, and if there is one that I want to save, I can transfer this video onto a different tape. I believe the broadcast flag may block this.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices?

It appears likely that the broadcast flag, when combined with new hardware initiatives such as Palladium, and the draconian DCMA, would prevent me from transferring DTV content to a computer running an open source operating system, such as Linux. In addition, if the broadcast flag is used to prevent copying of the content, it would appear that this would block the transfer of the content from the original recording device to a different device. For example, I may not be able to record a show on my downstairs video recorder, and transfer that show to my upstairs recorder for later playback.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

It is not clear, however the possibility does exist, unless legislated otherwise.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

Yes, it certainly would limit the development of future equipment. Limiting the consumer's ability to transfer the content from one device to another, although allowed by "fair use" in copyright law, would severely curtail the development (and sales) of future equipment.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

As an electrical engineer, I believe it would be negligible to implement; however testing for compatibility and standards compliance would definitely add to the cost of development. More importantly, I believe the presence of the broadcast flag will limit sales and therefore development, reducing the size of the market considerably. To put it bluntly: if the use of the content is restricted beyond that which is already considered "fair use", the market for future equipment will not be created.

Other Comments:

Consider what happened with digital audio tape (DAT). This was poised to be a successful product, until it got hung up in the courts and eventually was released late with a "piracy tax" attached to each blank media. This penalized honest users of the technology, and this extra cost and the delay in introducing the product effectively killed DAT in the US.

I urge you to oppose any requirement that infringes on an honest consumer's "fair use" under current copyright law, including personal and academic use.

